

1 **WO**

2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8
9

10 In re Allstate Insurance Company } MDL No. 1541 (2:03md1541)
11 Fair Labor Standards Act Litigation } ALL CASES

12 ORDER REGARDING EDWARD CZARNECKI'S VOLUNTARY DISMISSAL
13

14 Pursuant to the Stipulation re Withdrawal of Consent to Join Form of
15 Edward Czarnecki (docs. #202 and #203),

16 IT IS ORDERED as follows:

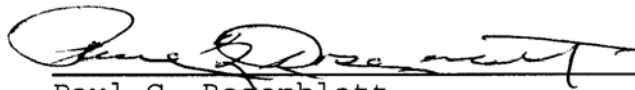
17 (1) That the Withdrawal of Consent to Join Form of Edward Czarnecki (doc.
18 #191) is withdrawn and that Edward Czarnecki's claims in this action against
19 Allstate Insurance Company, Allstate Property and Casualty Insurance Company,
20 and Allstate Indemnity Company (collectively "Allstate") are voluntarily dismissed
21 without prejudice in light of Czarnecki's agreement to refrain from asserting,
22 either on his own behalf or as a member of a collective action, any claim for
23 overtime pay he might have against Allstate under the Fair Labor Standards Act,
24 29 U.S.C. § 201, *et seq.*, for any events that occurred during his employment with
25 Allstate up to October 17, 2007;

26 (2) That this order shall not affect any claim Edward Czarnecki might have

1 under any law other than the Fair Labor Standards Act including, but not limited
2 to, the claims that Czarnecki is currently litigating against Allstate for overtime pay
3 in *Nettles, et al. v. Allstate Ins. Co., et al.*, No. 02 CH 14426 (Ill. Cir. Ct. Cook
4 Cty).

5 (3) That Defendants' Motion to Strike the Withdrawal of Consent to Join
6 Form of Opt-in Plaintiff Edward Czarnecki (doc. #198) is withdrawn.¹

7 DATED this 18th day of October, 2007.

8
9
10 
11 Paul G. Rosenblatt
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23

24 ¹ Although the parties also stipulated that Defendants' Motion to
25 Determine Basis on Which Plaintiffs Should be Permitted to Dismiss Claims (doc.
26 #199) is moot as to Edward Czarnecki, that motion never involved Czarnecki as
the Court required the defendants to file a separate motion regarding Czarnecki.